

Sky Ventures, Inc. and John Harris (referred to jointly as "Sky Ventures" hereafter) ask the Utah Labor Commission to review Administrative Law Judge Marlowe's award of benefits to J. W. T. under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

### **BACKGROUND AND ISSUE PRESENTED**

Mr. T. was injured in an accident at the Sky Ventures premises on June 17, 2003. On October 30, 2003, Mr. T. filed an application with the Commission alleging he was employed by Sky Ventures at the time of the accident and was, therefore, entitled to workers' compensation benefits for his injuries. Judge Marlowe held an evidentiary hearing on Mr. T.'s claim on February 1, 2005. On December 23, 2005, Judge Marlowe ruled that Mr. T. was an employee of Sky Ventures at the time of accident and is, therefore, entitled to workers' compensation benefits for his injuries.

Sky Ventures now asks the Commission to review Judge Marlowe's decision. Specifically, Sky Ventures argues that Mr. T. was an independent contractor, rather than an employee of Sky Ventures, at the time of his accident.

### **DISCUSSION**

Sky Ventures argues that Judge Marlowe's finding of an employment relationship between Sky Ventures and Mr. T. is not supported by the evidence. However, Sky Ventures has not supported its argument with any reference to the evidentiary record.

The Commission recognizes that each party has a different version of Mr. T.'s employment status at the time of his accident. Judge Marlowe has set out this conflicting evidence in her decision and has accepted Mr. T.'s version. On that basis, Judge Marlowe concluded that Mr. T. was Sky Ventures' employee and is entitled to the benefits provided by the Workers' Compensation Act. After reviewing the record, the Commission affirms and adopts Judge Marlowe's findings and conclusion.

### **ORDER**

The Commission affirms and adopts Judge Marlowe's decision and denies Sky Ventures' motion for review. It is so ordered.

Dated this 15<sup>th</sup> day of February, 2006.

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R. Lee Ellertson  
Utah Labor Commissioner